

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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LUIS O. RUBIO, JOSÉ A. MENDEZ, and
JOSÉ L. BENITEZ ,

Plaintiffs,

- against -

CV 13-6159 (AKT)

MARCHELLO'S GARDEN GRILL, INC. d/b/a
GARDEN GRILL, and BEACH HUT AT
VENETIAN SHORES, INC. d/b/a CEDAR BEACH,
and GLORIA MARSILIO and FRED MARSILIO,
individually,

Defendants.

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**ORDER APPROVING SETTLEMENT
AND DISMISSAL WITH PREJUDICE OF CLAIMS**

A. KATHLEEN TOMLINSON, Magistrate Judge:

The Court, having reviewed the Complaint filed in this case by Plaintiffs LUIS O. RUBIO, JOSE A. MENDEZ and JOSE L. BENITEZ as well as the Answer filed by the Defendants, having carefully considered the applicable case law, having supervised the settlement negotiations themselves, and for good cause shown, hereby **ORDERS, ADJUDGES** and **DECREES** that:

1. The Settlement Agreement & General Release ("Settlement Agreement"):
(a) is the result of arm's length negotiations and is fair to all Parties; (b) reasonably resolves a bona fide disagreement between the Parties with regard to the merits of the Plaintiffs' claims; and
(c) demonstrates a good faith intention by the Parties (i) to fully and finally resolve the Plaintiffs' claims for liability and damages under the Fair Labor Standards Act and the New York State

Labor Law and (ii) not to re-litigate in whole or in part at any point in the future the claims raised in this litigation or which could have been raised in this litigation concerning the Plaintiffs' wages while employed by the Defendants. The Settlement Agreement is therefore **APPROVED** by the Court.

2. This lawsuit and the claims of the Plaintiffs asserted in it are **DISMISSED, WITH PREJUDICE**, in their entirety.

3. Each party shall bear his/their own costs, except as provided to the contrary in the Settlement Agreement.

4. The attorneys' fees provided for in the Settlement Agreement are a fair and reasonable reflection of the services rendered to the Plaintiffs by their counsel, Shulman Kessler LLP.

The Clerk's Office is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
January 14, 2015

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
United States Magistrate Judge